

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 20, 2005 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #05034
LMC §27.63.170 Parking Lot

PROPOSAL: Allow a parking lot in a residential district to serve an adjacent commercial use.

LOCATION: 16th and South Streets.

LAND AREA: 7,350 square feet, more or less.

CONCLUSION: This parking lot meets the requirements of the zoning ordinance provided the conditions set forth below are met.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 15, Maxwell Addition, located in the NW 1/4 Section 36 T10N R6E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Single-family residence R-2 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family residential	R-2 Residential
South:	Drive-thru restaurant	B-3 Commercial
East:	Strip commercial/retail	B-3 Commercial
West:	Single-family residential	R-5 Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this property as Urban Residential. (F 25)

HISTORY:

Apr 2005 The zoning on this property was changed from R-5 residential to R-2 residential as part of a large-scale downzoning by the Near South Neighborhood.

May 1979 The zoning update changed the zoning on this property from C Multiple Dwelling to R-5 Residential.

TRAFFIC ANALYSIS: South 16th Street is identified as a Minor Arterial both now and in the future. (E 49, F 103) As part of this application, Applicant is proposing to add another drive-thru lane to increase their on-site stacking capacity. Vehicles will be able to enter and exit the site from South 16th Street, as well as from the north/south alley along the west property line.

ANALYSIS:

1. This is a proposal for a parking lot in a residential zoning district to serve a drive-thru restaurant on an adjacent property.
2. This parking lot will provide greater separation between the restaurant drive-thru lane and residential uses to the north. The site plan shows a fence located along the north side of the parking lot.
3. The property to the north is zoned residential and has a special permit for landmark preservation. This permit authorized the sale of antiques, art, and crafts. However, it appears this property is currently used as a residence.
4. Pursuant to LMC §27.63.170:
 - (a) **Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:**
 - (1) **A. The premises upon which the parking lot is located shall not be located more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be met:**

This proposed parking lot is located adjacent to property with B-3 zoning.

- (i) **The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.**

Access to this parking lot is proposed off of South 16th Street, a minor arterial, and from an alley. No local residential streets provide access.

- (ii) **Any adjacent alley serving the parking lot shall be paved.**

Applicant has proposed to pave the alley from the north line of their property to South Street.

- (iii) Any lighting facility shall be orientated to eliminate light trespass on adjacent residentially zoned properties in accordance with adopted design standards.**

The site plans notes that lighting will comply with design standards.

- B. In addition to the above conditions, the Planning Commission, in passing upon applications for special permits under subparagraph (1), shall also consider the following criteria:**

- (i) There shall be no residential use located between the parking lot and the commercial or industrial establishment.**

The parking lot and commercial use being served are on adjacent lots and are not separated by a residential use.

- (ii) The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.**

This south end of the block face is already in commercial use. The facing block is also developed with commercial uses. South 16th Street is a heavily traveled minor arterial. Allowing a parking lot at this location does not extend commercial uses into the neighborhood more than they already are. Two existing oak trees along the South 16th Street frontage are indicated to remain.

- (iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.**

This parking lot will provide greater separation between the restaurant and neighboring commercial uses, meaning the drive-thru lane, menu board, speaker, and traffic noise will no longer be located adjacent to a residence. A fence is proposed along the north side of the parking lot to further shield the residences from the noise and light generated by the restaurant.

- (iv) The parking lot shall abut a commercial or industrial zoning district. An adjustment to these criteria may be granted by the Planning Commission upon a determination that there is a sufficient cause for such an adjustment and that there will be no significant impact on adjacent residential uses, or**

This proposed parking lot is located adjacent to property with B-3 zoning.

- (2) The land shall not be located more than 360 feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church.**

The proposed parking lot is not intended to be used for a college, university, or church.

- (b) **Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section.**

The proposed parking lot has more than 6 parking spaces.

5. Notes 10 and 11 on the site plan refer to signage regulations. Note 11 refers to a signage requirement that does not apply in this circumstance, and should be removed. See general notes attachment.

6. The B-3 district screening requirements should be applied to this lot since it abuts residential zoning. The B-3 requirement could be met with a 6' tall privacy fence along the north property line. A fence is shown at this location, and is indicated to be a 6' tall "alternating board wood privacy fence." The height of the fence decreases to 3' within the front yard setback.

7. City Staff comments:

Public Works and Utilities - Watershed Management:

- 7.1 Applicant should provide a grading and drainage plan for review and approval prior to installation of any proposed parking and paving improvements.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits the use of a parking lot on property zoned R-2 Residential.

General:

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans, along with 3 copies, to the Planning Department office for review and approval.

2.1.1 Remove general note 11 and the 75' residential buffer from the plan.

2.1.2 Provide documentation requested by Public Works and Utilities - Watershed Management.

2.2 The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 Before utilizing this parking lot, all development and construction is to comply with the approved plans.
- 3.2 All privately-owned improvements, including landscaping and screening, are to be permanently maintained by the owner.
- 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov

Date: July 8, 2005

**Applicant
and
Owner:** Growth Management
Roger Moore
3201 Pioneers Boulevard
Lincoln, NE 68502
488.8500

Special Permit #05034
parking lot

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Contact: Design Associates
JD Burt
1609 "N" Street, Suite 100
Lincoln, NE 68508
474.3000

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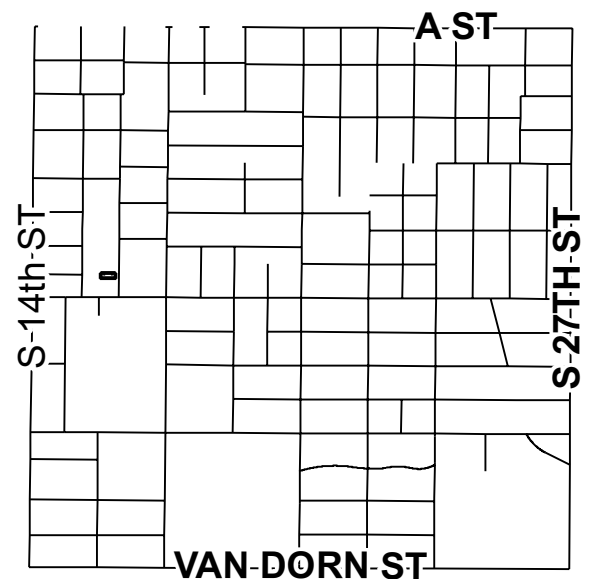
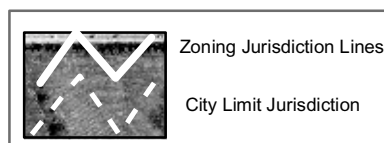
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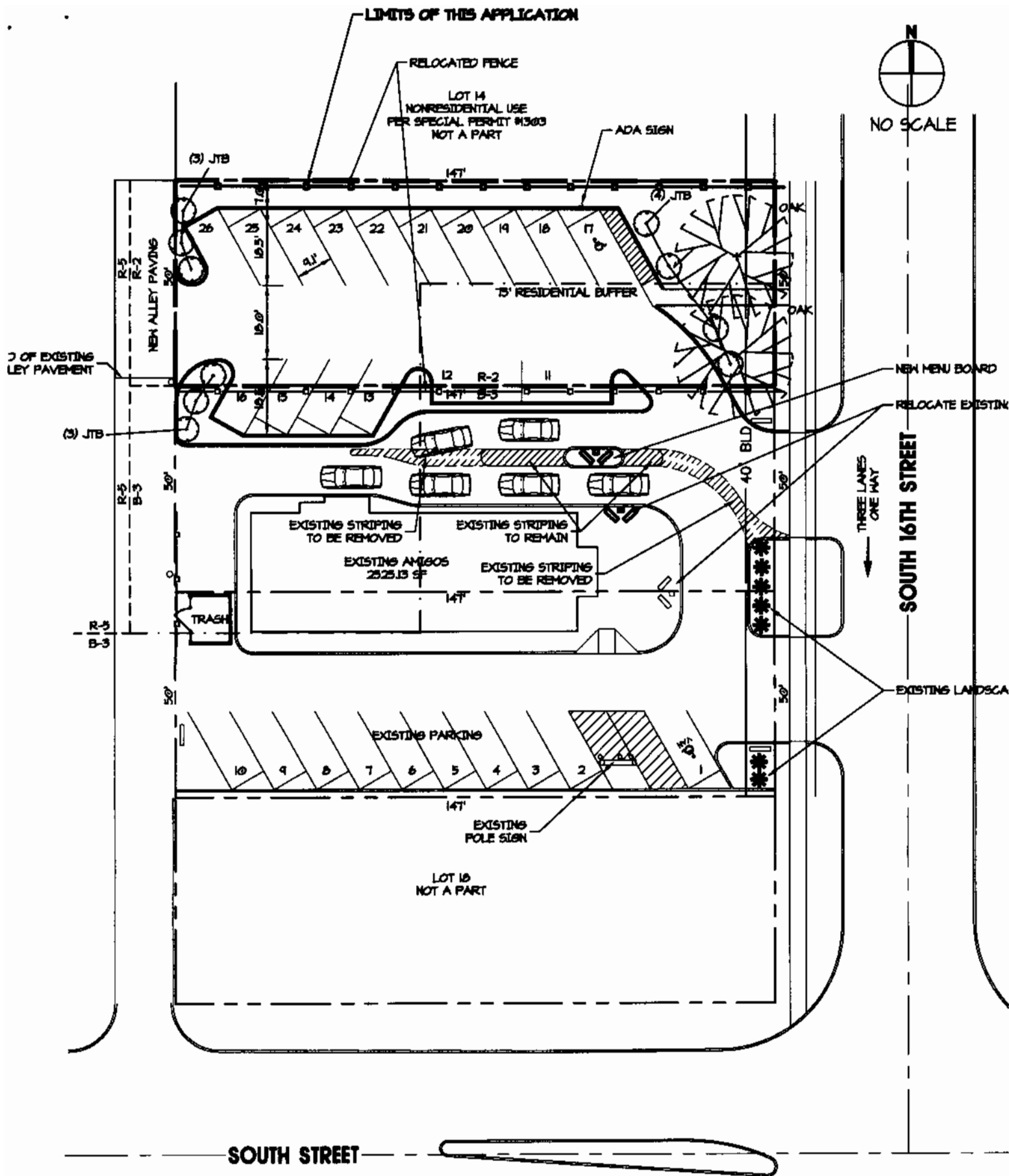
Special Permit #05034 S. 16th & South St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 36 T10N R6E





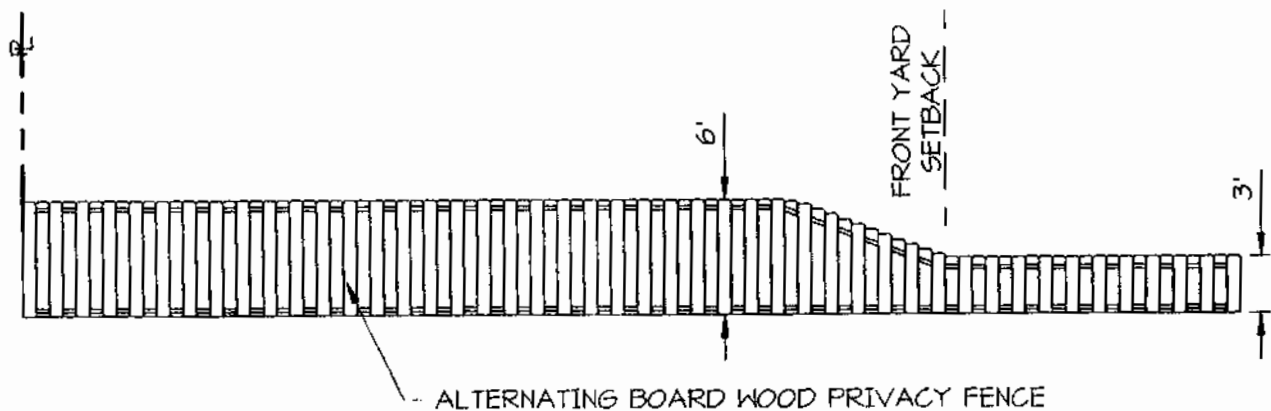
DESIGN ASSOCIATES OF LINCOLN, INC

PERSHING SQUARE
1808 "N" STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
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21 JUN 2005

GENERAL NOTES

1. ALL CURVILINEAR DIMENSIONS ARE CHORD DISTANCES UNLESS NOTED.
2. LOT DIMENSIONS SHOWN ARE BASED UPON CITY PLAT INFORMATION.
3. EXISTING RESIDENCE, DETACHED GARAGE AND LANDSCAPING TO BE REMOVED, EXCEPT STREET TREES ALONG 16TH STREET THAT ARE TO REMAIN.
4. EXISTING 16TH STREET CURB CUT TO BE REMOVED.
5. PARKING LOT PAVING TO BE ASPHALT OR CONCRETE IN COMPLIANCE WITH PARKING LOT DESIGN STANDARDS.
6. LANDSCAPE SCREENING TO BE IN COMPLIANCE WITH DESIGN STANDARDS.
7. CONSTRUCTION TO INCLUDE INSTALLATION AND RELOCATION OF MENU/ORDER BOARDS TO LOCATIONS NORTH OF BUILDING, AS SHOWN.
8. ALLEY PAVING ADJACENT TO SPECIAL PERMIT TO BE CONSTRUCTED BY EXECUTIVE ORDER.
9. PARKING LOT LIGHTING TO BE IN COMPLIANCE WITH DESIGN STANDARDS, IF AND WHEN INSTALLED.
10. ALL SIGNAGE TO BE IN COMPLIANCE WITH SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
11. MINIMUM SIGNAGE SEPARATION OF 75 FEET FROM RESIDENTIAL USES TO BE MEASURED FROM THE NORTH LIMIT OF SPECIAL PERMIT #1303, LOCATED NORTH OF THIS APPLICATION AND FROM THE EAST LOT LINES OF PROPERTIES LOCATED WEST OF THIS APPLICATION.



FENCE DETAIL

NO SCALE

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

June 23, 2005

Marvin Krout
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Special Permit-Parking Lot Expansion
Amigo's- 16th and South Street

Mr. Krout,


On behalf of the contract purchaser, Growth Management dba Amigo's, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests approval of a Special Permit to allow parking within the R-2 zoning district on property at 2045 South 16th Street. The site is located on the west side of 16th Street, north of South Street and is legally described as Lot 15, Maxwell Addition. Approval of this application will allow construction of a parking lot adjacent to the existing Amigo's Restaurant to satisfy the parking needs of this business.

The parking lot expansion proposes 16 stalls immediately north of the present drive-through lanes and will require removal of the existing single-family residence and detached garage. Access to the parking lot will be from an existing driveway along 16th Street with exit maneuvers through the adjacent north/south alley. Paving of the alley by Executive Order is proposed with this application. The completed construction will provide a total of 25 parking stalls for the restaurant. The submitted layout is the result of conversation with Public Works that will limit access to 16th Street to existing driveways with only slight modifications and the desire of the applicant to retain the existing street trees. Screening will be provided along the north limit of the special permit with relocation of an existing privacy fence to provide screening between the proposed parking lot and Special Permit #1303, adjacent to the north limit of this application, that allows a retail antique and arts and craft business. All other landscaping is as shown as required by Design Standards.

A concept plan and introduction letter was sent to the Near South Neighborhood Association seeking comments and concerns. As a result, we are scheduled on the association's July 11th agenda to discuss this application and address neighborhood concerns. Copies of our letter and concept site are attached for your information.

We would like to thank you in advance for your favorable consideration.

Best regards,


JD Burt
For the firm

CC: Roger Moore, Jim Aust: Growth Management

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
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June 6, 2005

Ms. Cheryl Beecham
Near South Neighborhood Association
2540 "C" Street
Lincoln, NE 68502

RE: Amigo's
16th and South Street

Ms. Beecham,

Our office is working with Growth Management, owner of the Amigo's restaurant located on the west side of 16th Street, north of South Street, in preparation of a plan to increase on-site patron parking. The proposed parking expansion is in response to continued community support that has created an increase in the restaurant's parking demand.

The parking lot expansion is proposed immediately north of the present drive-through lanes and will include removal of the existing single-family residence and detached garage to provide 14 parking stalls north of the existing restaurant. These stalls will be in addition to the existing 11 parking stalls located south of the restaurant.

A concept plan is attached for your information. Prior to finalization, we would appreciate an opportunity to meet with you and the neighborhood association to allow your comments and concerns to be addressed in our application to the city for a special permit.

We look forward to discussing the Amigo's project at your convenience or at a meeting of the homeowners association. Please call or contact so a meeting time can be arranged.

Best regards,



JD Burt
For the firm

CC: Roger Moore, Growth Management
Jim Aust, Growth Management
Greg Czaplewski, City/County Planning Department

Attachment: Concept Plan